

Message Text

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46

ACTION AF-08

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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC PRIORITY 1712

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY BONN

AMEMBASSY BUJUMBURA

AMEMBASSY DAR ES SALAAM

AMEMBASSY KHARTOUM

AMEMBASSY KIGALI

AMEMBASSY KINSHASA

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY MOGADISCIO

C O N F I D E N T I A L NAIROBI 8488

E.O. 11652: GDS

TAGS: PFOR, KE, UG

SUBJECT: KENYA-UGANDA MEMORANDUM OF UNDERSTANDING

REF: NAIROBI 8377

1. EMBASSY HAS RECEIVED ON CONFIDENTIAL BASIS COPY OF
KENYA-UGANDA MEMORANDUM OF UNDERSTANDING DATED AUGUST
6, AND REPORTEDLY SIGNED AUGUST 7 BY PRESIDENTS AMIN
AND KENYATTA. MEMORANDUM DEALS ALMOST EXCLUSIVELY WITH
PROTECTION OF LIVES AND PROPERTY AS WELL AS OBLIGATION
TO PAY COMPENSATION TO FAMILIES OF VICTIMS AND OWNERS
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OF SEIZED PROPERTY. OTHER ASPECTS OF "NORMALIZATION"

WERE EVIDENTLY DEALT WITH ORALLY. ANNEX TO AGREEMENT
(WHICH NOT AVAILABLE) SPELLS OUT KENYAN CLAIMS FOR
COMPENSATION.

2. TEXT OF MEMORANDUM FOLLOWS:

"RECOGNIZING THAT A SOVEREIGN STATE HAS A LEGAL
OBLIGATION IN INTERNATIONAL LAW TO PROTECT THE LIVES
AND PROPERTY OF ALL PEOPLE INCLUDING FOREIGN NATIONALS
LIVING IN THE TERRITORY IN WHICH IT HAS JURISDICTION;

BEARING IN MIND THAT KENYA AND UGANDA HAVE HAD
AND CONTINUE TO HAVE THEIR CITIZENS VISITING, RESIDING,
WORKING OR CARRYING ON BUSINESS IN EACH OTHER'S TERRITORY;

ALSO BEARING IN MIND THAT KENYA AND UGANDA, BY
CONVENTION, HAVE NOT ESTABLISHED DIPLOMATIC RELATIONSHIP
BETWEEN EACH OTHER AND THEREFORE THE PROTECTION
AND THE WELFARE OF THEIR CITIZENS IN THEIR RESPECTIVE
STATES CANNOT BE FOLLOWED UP BY ANY PERSON OF DIPLOMATIC
STATUS ACCREDITED TO THEIR RESPECTIVE CAPITALS;

THE GOVERNMENT OF THE REPUBLIC OF UGANDA AND THE
GOVERNMENT OF THE REPUBLIC OF KENYA HAVE RESOLVED:

1. A) THAT BOTH GOVERNMENTS UNDERTAKE TO PROTECT
THE LIVES AND PROPERTY OF EACH OTHER'S CITIZENS LIVING
IN THEIR RESPECTIVE COUNTRIES. B) THAT BOTH GOVERNMENTS
UNDERTAKE TO APPREHEND CULPRITS WHO PERPETRATE CRIMES AGAINST
THE NATIONALS OF THE RESPECTIVE STATES AND PUNISH THEM IN
ACCORDANCE WITH THE LAW.

C) THAT BOTH GOVERNMENTS ASSUME RESPONSIBILITY
FOR THE LIVES OF CITIZENS WHICH HAVE BEEN LOST
OTHER THAN BY NORMAL OR NATURAL CAUSES SINCE 1971 AND
UNDERTAKE TO PAY COMPENSATION TO THE FAMILIES OF THE
DECEASED.

D) THAT BOTH GOVERNMENTS UNDERTAKE TO PAY
COMPENSATION IN ACCORDANCE WITH NORMAL INTERNATIONAL
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PRACTICE FOR THE PROPERTY OF EACH OTHER'S CITIZENS
WHICH ARE OR HAVE BEEN TAKEN OR LOST.

2. ATTACHED HERewith AND FORMING AN INTEGRAL
PART OF THIS MEMORANDUM OF UNDERSTANDING AS ANNEX I
IS AN INITIAL LIST OF CLAIMS BY KENYA.

3. BOTH GOVERNMENTS HAVE AGREED TO A THIRD

NEUTRAL PARTY COMPOSED OF BURUNDI, ETHIOPIA, RWANDA,
SUDAN, ZAIRE AND ZAMBIA TO ENSURE THAT THE IMPLEMENTATIONS
OF THESE UNDERTAKINGS ARE FULFILLED, THROUGH THE GOOD
OFFICES OF THE SECRETARY GENERAL OF THE ORGANIZATION OF
AFRICAN UNITY."
MARSHALL

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